

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Approval of its Forecast 2005 ERRR Proceeding Revenue Requirement; to Implement its ERRR Revenue Requirement Coincident with the DWR Power Charge Revenue Requirement; and to Consolidate all Commission-authorized Revenue Requirements and Set Unbundled Rate Components Beginning January 1, 2005.

Application 04-08-008
(Filed August 2, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTIONS FOR LEAVE TO FILE UNDER SEAL
AND APPROVAL OF A PROTECTIVE ORDER**

By its August 2, 2004 motion, Southern California Edison Company (SCE) moves for leave to file under seal certain information pertaining to SCE's electric energy resources throughout the 2005 Forecast Year and for managing its power resources to meet customer needs during that time period. Such information includes SCE's use of utility retained generation resources, energy under SCE contracts, Department of Water Resources contracts allocated to SCE, management of surplus energy, acquisition of power to meet the residual net short and long positions, costs, collateral requirements, and hedging activities. SCE filed this motion pursuant to Public Utilities Code Section 583 and General Order (GO) 66-C.

By a companion motion, SCE seeks a protective order to ensure that its sealed information and protective computer program materials relied on in

developing its testimony remains confidential. Proposed protective agreements (agreements) to govern access and use of all SCE protected information were attached to that companion motion.

The granting of SCE's request to seal confidential information and computer program materials included in its prepared testimony would not prejudice any party because SCE would provide Commission staff access to such information and upon the signing of the agreements interested parties would also have access. It is also consistent with prior treatment of SCE confidential information. The information tendered under seal shall remain under seal as set forth in this ruling, pursuant to GO 66-C and the authority therein cited by SCE.

It is also reasonable to require interested parties to sign agreements to access this confidential information relied on by SCE in developing its testimony. Such a request is consistent with Article 17.1 of the Commission's Rules of Practice and Procedure. However, approval of the specific agreements attached to SCE's motion is premature.

Consistent with Rule 74.7 of the Commission's Rules of Practice and Procedure, SCE should execute a mutually agreed upon agreement with any party other than Commission staff wanting to access sealed data SCE relied on in developing its testimony. To the extent that parties cannot agree on a reasonable agreement, the assigned Administrative Law Judge upon receipt of a motion shall resolve any disputes.

Good cause appearing, **IT IS RULED** that:

1. The motion of Southern California Edison Company (SCE) for leave to file under seal commercially sensitive information and protected computer program materials contained in its testimony and exhibits is granted.

2. Portions of SCE testimony, concurrently submitted as a sealed document with its application, shall remain under seal during this proceeding, and during that period shall not be made accessible or disclosed to anyone other than Commission staff except on the execution of mutually acceptable protective agreements or on further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

3. SCE shall provide the confidential information to the Commission staff under the protection of Public Utilities Code Section 583.

4. SCE shall execute mutually agreed upon protective agreements with any party, other than Commission staff, wanting access to sealed information and computer models including algorithms and assumptions SCE relied on in developing its testimony covered by a license agreement or deemed confidential. The assigned ALJ upon receipt of a motion shall resolve any disputes.

Dated September 24, 2004, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motions for Leave to File Under Seal and Approval of a Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated September 24, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.